G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1906-07
(Courts)

File No. 149(a)-06

Serial Nos. 1-2 (3 in approx

Papers Filed.

Month May 1907

SUBJECT.

Appointment of Honorary magistrates and Bench of Magistrates.
(R.A. Subj. N° 49 of 1906)

PREVIOUS REFERENCES.	LATER REFERENCES.
	Ch 15 of 08 - 192 B. July 08 Cts 202 of 07 - 1 to 5 B. April 09 5-09 - 18 to 27 Ch. 14-10, 7-10 " 184-18 (3 to 11)

G. R. S. 11½. 1906.

GENERAL AND REVENUE SECRETARIAT

(III Courts)

NOTES.

C5 File. No 149 (A)

FILE HEADING.

RA Subject 49 of 1906. Appointments of Honorary Magistrates and Bench of Magistrates.

From

No.	Dated	Received
Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Sl no 1 | To the Registrar, Chief Ct. No J 1454 of 3.12.06.
Requests that Govt may be favored with the opinion of the Chief Court in the matter.

J 1369 Sl 2 | From the Registrar Ch. Ct. No 3096/160 of 7.12.06
States that in the opinion of the Chief Court

NOTES—First sheet.

MGCPB—30,000—17-2-05.

Serial No.

it would be a grave mistake to appoint either Honorary Magistrates or Benches of Magistrates as it cannot be expected to get any work properly done by untrained men.

Submitted with a draft order reading

P.V. SR 11.12.06 - Secy) W. 12/12/6

The Chief Court's reply is too summary.

There are Hon'y Magistrates & Benches of Magistrates in most important towns in the Madras Pres'y, and this arrangement has not - think any one before us - a "grave mistake," or as affecting the proper administration of justice in minor cases.

At least in the premier town of Bangalore & Mysore, the experiment of a Bench may be tried, the persons selected being either retired Magistrates or Judicial officers. There is a Bench in the City of Madras & Bangalore

to deal with the 1817 Rs

1726
22.12.1906

The Chief Court's objection seems to be based on the assumption that untrained officers will be appointed. On the other hand this

NOTE—Contn. sheet

GPB—50,000—23-10-05

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General and Revenue Secretariat. | File No. | of 190 (

Serial No.

Intention is apparent permanent officers & other nominated men. The proposal of the D.C.A. Member seems worthy of adoption. Ltr of 7.W.

W.S. 14/4/07

3745 15.2.07 3188 Take steps to give effect to the representations of the Representative members

17/2/1907

Draft general orders expressing the decision, & ask Dr. Hayes to submit proposals re: the allotted Hon'y Magistrates & Benches of Magistrates. Look up also the rules in force in Madras & Bombay on the subject —

17/2/07

Draft submitted. As for the Madras rules, please see pages 16 & 17 of

W.S. 2/4/07

W.S. 4/3/07

E—Contn. sheet

GPB—50,000—23 10-05

the

Serial No.

the Princes's Criminal Procedure Code. The Rules in force in N.W. Provinces & Oudh have been printed under "Addenda & Corrigenda" in the same books. As the recommendation of the Chief Court has been overruled, the matter has to be submitted to His Highness.

SW 5/3/07. The Residency may be asked to send a copy of the rules in force in the Civil & Military Station of Bangalore

Secy) W 5/3/07)

10

* If necessary - please refer to the Gazette of India, 1888, Part II, p. 460, and 1890, Pt II, p. 691 -

Gazettes put up Copy + W

I have marked certain portions of the Allahabad & Madras Rules, which seem useful - please embody them in the draft order to be issued in an appendix -

14/3/07

11

W 14/3/07

Submit with a set of draft rules embodying the portions marked as directed above.

SW The rules will be typed after approval

The Gazettes referred to could not be found in this office Library. They should be obtained from the Chief Court & placed therewith in the cover of this file

SW 15/3/07 Please resubmit with a copy of Sohoni's Criminal Procedure Code.

W 15/3/07 Submitted with a Copy of Sohoni's Criminal Pro. Code.

W 11/4/07.

NOTE—Contn. sheet

MGCPB—50,000—24-7-05

The

Serial No.

rules in force in Madras & Bombay are given in Schedules (vide page 13)

SR
4/4/07

I have put up 3 drafts ~~(orders, notifn~~ — a draft order, a draft notification & draft rules. In the draft rules, the rules of the different provinces as appeared suitable have been put together.

Secy)

16-4-07

The drafts seem suitable, & may be approved. (The draft notifn of appts need ~~not~~ only be issued when appts are made from time to time.)

As the recommendation of the Chief Court has not been accepted, the case has (under standing orders) to be submitted to His Highness the Maharaja.

16.4.07

To Secy Law (Ir.)

2664
23.4.1907

The Drafts may be approved.

23/4

65-31
24/4/07

24/4

Submitted to His Highness

16 In the Dassara Representative Assembly of last year a representation was made about the appointment of Honorary Magistrates and Benches of Magistrates and in reply the matter was promised to be considered.

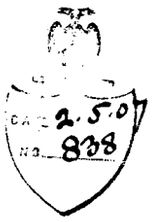
The Chief Court whose opinion in the matter was invited, considers it a grave mistake to appoint either Honorary Magistrates or Benches of Magistrates as it cannot be expected to get any work properly done by untrained men.

I am of opinion, and the First Councillor agrees with me, that the proposal urged by the Representatives is worthy of adoption. There are Honorary Magistrates and Benches of Magistrates in all important towns in British India, and we may make a beginning first in the towns of Bangalore and Mysore, and select suitable retired Magistrates and Judicial officers therefor. As however, the Chief Court is not in favour of the proposal, I submit the papers for orders. If the proposal is approved, I shall submit the names of the persons who are to form the Benches in due course.

17 A draft of rules for the guidance of such Benches is also submitted.

30/4/1907

Record of Cases submitted for the Orders of His Highness the Maharaja.



Subject.

Appointment of Honorary Magistrates and Benches of Magistrates in the towns of Bangalore and Mysore.

Order.

813

804
13-5-07

20

In my opinion this is a somewhat unnecessary proposal. My information as to the working of such benches in British India goes to show that they are either useless or a positive nuisance. I am not aware that there is any evidence to show that the City Magte or any other Magistrate in Bangalore requires relief and I see no object in multiplying functionaries honorary or otherwise. Presumably the Bench would require some establishment, which would mean either additional expense or the depletion of some existing and probably overworked establishment. Had the proposal been sanctioned, the proposed draft would I consider have required alteration. There would seem to be no object in publishing differences of opinion

between Govt and the Chief Court, or rather, the Chief Judge.

I think the matter may be dropped.

KRW

7/5/07

11/5/1907

G. R. S. 12]

General and Revenue Secretariat.

File No. of 190

Serial No.

File, as per minute to the 1st Counsellor for perusal

2. The office will note for further instructions the remarks about the inadvisability of undertaking differences of opinion with the chief Court.

13.5.07

14/5

Noted
Rus
23.5.07

Subd to 1st Cr.

23/May/07

23/5

2877
15-5-07.

14/5/07

File
23/5/07

NOTE—Contn. sheet

GPB—50,000—25-2-07

SUBJECT No. 49.

Appointment of Honorary Magistrates and Bench of Magistrates.

Messrs. V. Raghavachar, Nanjangud Taluk; B. Kesavaiengar and Kesavadasaiengar, Belur Taluk.

Summary of discussion.—It is prayed that Honorary Magistrates, and in big towns Benches of Magistrates, be appointed.

Reply of Government.—Will be considered.

Subd.

No action is necessary at present.

Mr. J 1457

20/11

Referred to the Chief Court for favour of opinion.

20/11/25

G.R.S. 26]

ab

File No. 14(A)-06

Serial No /

Diary No. of letter replied to _____

No. J 14 54

CS 149-06 (A) 1

General and Rev. Secretariat

( )

the 190

To

The Registrar
Chief Courts.

Date of issue 3/12/06

Signed by for Chamberlain

Has the honor to invite his attention to the marginally noted subject of the Representative Assembly Proceedings of 1906 and the reply of Govt thereto and to request that he will be so good as to favour Govt with his opinion in the matter

× Subject No 49.
Appointment of Honorary Magistrates and Bench of Magistrates.

By order

for Secretary 29/4/11

Gus 7/12

Confd SW 1/12/06

RR SW 29/4-29/11

30 M

over.

SUBJECT.

J 1369

No. 3096
160

CS 149(a) 906, Sl 2

Chief Court of Mysore,
Bangalore dated 7th December 1906.

From,

The Registrar,
Chief Court of Mysore.

To,

K.S.Chandrasekhara Iyer Esq.,
Secretary to Government,
General and Revenue Departments.

Sir,

Referring to your docket No.J.1454/Cts. dated the 3rd Instt: inviting attention to subject No. 49 re appointment of Honorary Magistrates and Bench of Magistrates and requesting opinion in the matter, I am directed to state that in the opinion of the Chief Judge, it would be a grave mistake to appoint either Honorary Magistrates or Benches of Magistrates as it cannot be expected to get any work properly done by untrained men.

I have the honor to b

Sir,

Your most obedient servant.

For REGISTRAR.

G.R.S. 28]

Fair-draft

File No.

Serial No.

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, the 190

Date of issue

Signed by

READ.—

Summary of discussion of Subject no: 49 of the Representative Assembly Proceedings of 1906, regarding the appointment of Honorary Magistrates & Benches of Magistrates and the reply of Govt. thereto.

~~ORDER THEREON.~~—No.

2 Letter no. 3096/160 dated the 7th December 1906, from the Registrar of the Chief Court of Mysore, stating that in the opinion of the Chief Judge it would be a grave mistake to appoint either Honorary Magistrates or Benches of

over

SUBJECT

MGCPB—9,000—11-9-04

Magistrates as it cannot be expected to get any work properly done by untrained men.

Order thereon: No:

The Govt. observe that there are Honorary Magistrates & Benches of Magistrates in most important towns in British India and also in the C. & M. Station of Bangalore and that the arrangement has not in these places been found to be detrimental to the proper administration of Justice in minor cases. The suggestion of the Representative Members appears to Govt. to be one worthy of adoption. As a first step in this direction, Govt. propose to appoint Honorary Magistrates, and to constitute Benches of Magistrates, in the premier towns of Bangalore and Mysore. The Chief Court is opposed to the scheme, but its objection seems

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GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

to be based on the supposition that untrained persons will be appointed as Honorary Magistrates. The intention of the Govt., however is for the present to ~~appoint~~ select only ~~such retired~~ officers ~~who~~ have been Magistrates ~~or~~ Judicial officers ~~and other persons~~ while in service as Honorary Magistrates who will sit together as a Bench for the disposal of business.

2. The following rules will be laid down for the guidance of Benches of Magistrates.

[Here enter rules]

Secretary

To

The Registrar, Chief Court.
" ~~Dy~~ Sr. Magte
" ~~Dy~~ Commrs of Districts.

MGCPB—30,000—5-4-05.

Rules

~~Notification~~

The Govt. of His Highness the Maharajah of Mysore are pleased to lay down the following rules for the guidance of the Benches of Magistrates in the State, constituted under Section 15 of the Criminal Procedure Code, Regulation II of 1904: —

Provincial Bengal.

1. The Bench shall try such cases or classes of ~~such~~ cases as the District Magistrate may, by special or general order, from time to time direct.

The Rules in other Provinces leave the time & the place of sitting.

2. The District Magistrates shall fix the place and the dates and hours at which the Bench shall sit:

Bengal, N.W.P.

Provided that the Bench may hold one

one or more adjourned sittings, if this be found necessary for the disposal of business or of part-heard cases

V.W.P.
In Statutes, Bengal.

3. The Chairman with one other member shall form a quorum. If any case is adjourned and if any member present at the adjourned Session was not present at the first or a former hearing of the case, the provisions of Section 350 of the Criminal Procedure Code will be held to apply to the case.

In Statutes
N.W.Provinces

It shall be the duty of

4. the Chairman ~~shall~~ maintain order, conduct the proceedings of the Court, and ~~shall~~ exercise all the functions in that behalf usually exercised by a Magistrate when sitting alone.

Bengal
N W Pr:
Consts;

It

It shall be open to any member of the Bench to put any questions to parties or witnesses either direct or through the Chairman, as the latter may deem advisable, and to suggest any matter for the Chairman's consideration

Section 5. In the trial of ordinary cases, the Chairman shall generally record the evidence and judgment, but such duty may, with his consent, be performed by one of his colleagues.

In the trial of summary cases where the Bench has been invested with summary powers, the necessary record shall be prepared by the Chairman or one of his colleagues, or where the Bench has been empowered under Section 265 Criminal Procedure Code, by means of any clerk of the permanent establishment deputed by the District Magistrate for the purpose.

purpose, but in every case the record must be signed by each member of the Bench who is present

N.W Pr: Bengal

6. Each member of the Bench shall have a ~~vote~~ in deciding as to the admissibility of Evidence and in the finding and sentence. Differences of opinion shall be settled by the votes of the majority of the Magistrates present the Chairman having the casting vote

Bengal. Rules of N.W Pr + Oudh make a difference as regards finding & Sentence.

Secretary to Govt.

Notification.

Comm&Pn

Under section 14 of the Code of Criminal Procedure, the undermentioned gentlemen are appointed Special (Honorary) Magistrates for the town of ——— for a term of 2 years from the date of this notification

This is only a form & need not be issued now. 1.11.07

——— Rangoon

" section 15 of the Code of Criminal Procedure, the aforesaid Special (Honorary) Magistrates are directed to sit together as a Bench and the Bench is hereby invested with the powers of a Magistrate of the { Second / third } class

3. Under sec: 261 of the Code of Criminal Procedure, the said Bench of Special (Honorary) Magistrate is invested with the power to try summarily the offences mentioned in the said Section 261

4 Under Section 265 of the Code — 1. — of Criminal Procedure, the said Bench is authorized to prepare the record of cases tried summarily by them by means of any clerk who may be deputed by the District Magistrate to perform such duty

By order

by Secretary

To The Compiler, Mysore Gazette